

### **REMARKS**

Applicants thank Examiner Fetterolf for extending the courtesy of a telephonic interview to their representative, Brian M. Gummow, on April 27, 2009. During this interview, Examiner Fetterolf and Mr. Gummow discussed claim amendments that would place the claims in condition for allowance.

#### **Claim Amendments**

As discussed with the Examiner, applicants have amended claim 1 by canceling subparagraphs (c) and (d).

Applicants also have amended claim 41 to cancel subparagraphs (a)-(e) and (k)-(o), without prejudice, which are directed to non-elected subject matter, and have renumbered subparagraphs (f)-(j) and (p) accordingly. As suggested by Examiner Fetterolf, applicants also have amended subparagraph (f) of claim 41 to recite the "full" complement of any of polynucleotides (a) to (c).

Applicants also have canceled claims 7 and 8, without prejudice.

These amendments are made in accordance with 37 C.F.R. § 116 and present claims in condition for allowance or at least in better form for appeal. Applicants request their entry into this application and their allowance.

Applicants have made these amendments expressly without waiver of their right to file for and to obtain claims directed to the canceled subject matter in applications claiming priority and benefit herefrom. None of these amendments adds new matter

Upon entry of the amendments, claims 1, 4-6, 12-13, 37, and 39-41 will be pending in this application.

**The Rejection**

**35 U.S.C. §112, second paragraph (Indefiniteness)**

Claims 1, 4-8, 12-13, and 39-40 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Specifically, the Examiner argues that subparagraph (c) of claim 1 is unclear because SEQ ID NO: 90 already comprises a T at the position corresponding to position 6 of SEQ ID NO: 90 and subparagraph (d) is unclear because SEQ ID NO.: 155 already comprises the amino acid M at the position corresponding to position 21 of SEQ ID NO.: 155. Further, the Examiner states that he was not persuaded by the applicants' use of "corresponding position" language to account for changes in the amino acid position due to deletions or additions elsewhere in the sequence. Applicants traverse.

Solely to expedite prosecution and to place the rejected claims in condition for allowance, applicants have canceled subparagraphs (c) and (d), thereby obviating the indefiniteness rejection.

**CONCLUSION**

For all of the above reasons, applicants request that the Examiner reconsider and withdraw the sole remaining rejection and allow claims 1, 4-6, 12-13, 37, and 39-41, now pending in this application.

Respectfully submitted,

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